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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DONNA GARCIA
Plaintiff,

V.

BRACHFELD LAW GROUP, PC, et al.
Defendants

) Case No.: **11-1253 EMC**
)
) **EXPERT DECLARATION OF**
) **DAVID J. BEAUV AIS IN SUPPORT**
) **OF APPLICATION FOR**
) **ATTORNEYS FEES**
)
)
) **HON. EDWARD CHEN**
)

I, David J. Beauvais, declare under penalty of perjury, under the laws of the State of California and the United States, 28 U.S.C. § 1746, that the following statements are true:

1. I make this declaration of my own personal knowledge and if called as a witness, would testify competently to the matters stated herein.
2. **Background and Qualifications:** I hold a bachelors degree in political science from

1 American University in Washington D.C. and a Juris Doctorate degree from the University
2 of the Pacific, McGeorge School of Law.

3 I have been licensed as an attorney in California since 1978. I am also admitted to practice
4 in the United States District Courts for the Northern, Central and Eastern Districts of
5 California, the United States Court of Appeals for the Ninth Circuit and the Supreme Court
6 of the United States. I generally practice in the areas of civil rights, including family rights.
7 Four of my earlier cases resulted in published opinions. *Moodian v. County of Alameda*
8 *Social Services Agency*, 206 F.Supp.2d 1030 (N.D. Cal. 2002); *Rogers v. County of San*
9 *Joaquin*, 487 F.3d 1288 (9th Cir. 2007); *Golin v. Allenby*, (2010) 190 Cal.App.4th 616; and
10 *Norse v. City of Santa Cruz*, 629 F.3d 966 (9th Cir. 2010) (en banc). Last year, I wrote an
11 amicus curiae brief in *Camreta v. Greene* (2011) 131 S.Ct 2020.

12 4 I have handled numerous civil rights, constitutional law and criminal trials and appeals
13 over the past 33 years.

14 5 I have served as a judge pro tem of the Juvenile Court in Fresno.

15 6 In 2007, I lectured on the subject of the constitutional standards governing removal of
16 children from their parents in cases of alleged abuse and neglect at a national civil rights
17 seminar held annually at Georgetown University.

18 7 Articles about cases in which I served as lead counsel have been published in the New
19 York Times, San Jose Mercury News, the Los Angeles Times and the San Francisco
20 Chronicle, among others.

21 8 I have assisted numerous civil rights matters that have included attorney fees applications.

22 9 **Current Rate:** My current hourly rate for legal services is \$500.

23 10 I am familiar with the hourly rates for what litigation attorneys charge in the San Francisco

1 Bay Area by attorneys with experience, skill, and reputation similar to that of Paul H.
2 Nathan. My familiarity with such rates derives from my knowledge of the billing practices
3 of private law firms in the San Francisco Bay Area and from my own experience in billing
4 clients in civil rights litigation cases.
5

- 6 1. The market rate in the San Francisco Bay Area for state and federal litigation of civil rights
7 issues that are similar in difficulty and complexity to the issues herein is a range extending
8 from \$225 to \$500+ per hour, depending on the skill, experience and reputation of the
9 attorney.
10
- 11 2. Based on my personal experience and comments from others in the legal community, I
12 believe that Paul H. Nathan hourly rate of \$300 is entirely fair and reasonable, given his
13 experience, qualifications and expertise in the representation of consumers in debtor-
14 creditor litigation.
15
- 16 3. In the San Francisco Bay Area it is customary for lawyers to itemize and bill their clients
17 separately, in addition to their regular hourly rate, for expert witness fees, court reporter
18 fees, long distance telephone calls, on-line research charges, copying and facsimile costs,
19 postage and delivery charges, and travel costs, including mileage, tolls, and parking.
20
- 21 4. I am familiar with Mr. Nathan's legal ability and work product as he is one of my co-
22 counsel on the complex civil rights case titled *Golin v. Allenby, et al.* San Mateo Superior
23 Court Case No.: CIV 507159. \$300 per hour for Mr. Nathan's time is what he bills on
24 *Golin*.
25
- 26 5. I am not being paid to submit this Declaration. I am not related to any of the parties in this
27 action and I have no financial interest in the outcome of this case.
28

Executed at Oakland, California on June 6 2012.

/s/ David J. Beauvais
David J. Beauvais (SBN 84275)
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